

**SIXTY-EIGHTH LEGISLATIVE DAY  
FRIDAY, MARCH 17, 2006**

House of Representatives

The House convened at 9:30 a.m., Mr. Denney in the Chair.

Roll call showed 65 members present.

Absent and excused -- Crow, Ellsworth, McGeachin, Sali, Wood. Total -- 5.

Total -- 70.

Prayer was offered by Pastor Montie Ralstin.

The Pledge of Allegiance was led by Kevin Andrus, Page.

**Approval of Journal**

March 17, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixty-seventh Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

OFFICE OF THE GOVERNOR  
Boise

March 15, 2006

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

**H 748, H 747, H 746, H 708, H 700, H 685, H 672, H 629, H 628, H 627, H 621, H 590, H 589, as amended, H 581, H 560, H 554, H 551, H 550, H 549, H 548, H 547, H 536, H 493, H 490, H 483, H 475, H 457, H 431, H 430, H 411, and H 410**

Very truly yours,  
/s/ DIRK A. KEMPTHORNE  
Governor

March 16, 2006

Mr. Speaker:

I transmit herewith **SJM 120, S 1443, S 1444, S 1445, S 1446, S 1447, and S 1427** which have passed the Senate.

WOOD, Secretary

**SJM 120, S 1443, S 1444, S 1445, S 1446, S 1447, and S 1427** were filed for first reading.

March 16, 2006

Mr. Speaker:

I return herewith **HCR 56, H 707, H 694, H 526, H 529, H 766, H 767, H 782, H 783, H 716, H 567, H 517, H 659, H 727, H 613, as amended, H 646, H 649, H 520, H 521, H 433, H 522, H 524, H 525, H 527, H 528, H 639, H 636, H 546, and H 576** which have passed the Senate.

WOOD, Secretary

**HCR 56, H 707, H 694, H 526, H 529, H 766, H 767, H 782, H 783, H 716, H 567, H 517, H 659, H 727, H 613, as amended, H 646, H 649, H 520, H 521, H 433, H 522, H 524, H 525, H 527, H 528, H 639, H 636, H 546, and H 576** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 16, 2006

Mr. Speaker:

I return herewith **H 609** which has failed the Senate.

WOOD, Secretary

**H 609** was filed in the Office of the Chief Clerk.

**Report of Standing Committees**

Mr. Deal asked unanimous consent that **H 777**, as amended, be placed on General Orders for consideration. There being no objection, it was so ordered.

**S 1283** held at the Desk March 16, 2006, was referred to the Ways and Means Committee.

March 17, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 826, H 827, and H 828**.

FIELD(18), Chairman

**H 826, H 827, and H 828** were filed for second reading.

March 17, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HCR 47, HCR 60, HCR 36, HCR 37, HJM 14, and HJM 20**.

FIELD(18), Chairman

The Speaker Pro Tem announced that the Speaker would sign enrolled **HCR 47, HCR 60, HCR 36, HCR 37, HJM 14, and HJM 20**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 17, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 615**, **H 533**, as amended in the Senate, and **H 601**, as amended in the Senate, to the Governor at 11:05 a.m., as of this date, March 16, 2006.

FIELD(18), Chairman

March 17, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HJM 13** to the Secretary of State at 11:08 a.m., as of this date, March 16, 2006.

FIELD(18), Chairman

March 17, 2006

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **S 1314**, as amended, **S 1342**, **S 1390**, as amended, and **S 1417** and recommend that they do pass.

BLOCK, Chairman

**S 1314**, as amended, **S 1342**, **S 1390**, as amended, and **S 1417** were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

#### Motions, Memorials, and Resolutions

#### HOUSE JOINT MEMORIAL NO. 24 BY STATE AFFAIRS COMMITTEE A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Constitutions of the United States of America and the State of Idaho guarantee the right of all persons to believe in God, to worship and to speak freely; and

WHEREAS, our country was founded upon the premise that all men are created equal, and that they are endowed with certain unalienable rights by their Creator; and

WHEREAS, it is imperative that as the judiciary of a sovereign nation, our federal courts apply the Constitution of the United States based upon domestic legal authority; and

WHEREAS, bills have been introduced in the United States Senate and the United States Congress S. 520 and H.R. 1070; and

WHEREAS, these two pieces of federal legislation would

substantially do the following:

(1) Amend the federal judicial code to prohibit the United States Supreme Court and the federal district courts from exercising jurisdiction over any matter in which relief is sought against an entity of federal, state or local government or an officer or agency of such government concerning that entity's, officer's or agent's acknowledgment of God as the sovereign source of law, liberty or government.

(2) Prohibit a court of the United States from relying upon any law, policy or other action of a foreign state or international organization in interpreting and applying the United States Constitution, other than English constitutional and common law up to the time of adoption of the U.S. Constitution.

(3) Provide that any federal court decision relating to an issue removed from federal jurisdiction by these acts is not binding precedent on state courts.

(4) Provide that any Supreme Court justice or federal court judge who exceeds the jurisdictional limitations of these acts would be deemed to have committed an offense for which the justice or judge may be removed, and to have violated the standard of good behavior required by Article III for judges in the U.S. Constitution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we request Congress to pass, our Congressional delegation to support, and the President sign, legislation similar to S. 520 and H.R. 1070.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

**HJM 24** was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**SJM 120**, by State Affairs Committee, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **H 800** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 800** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Bedke.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Brackett, Bradford,

Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henderson, Kemp, Lake, Loertscher, Mathews, McKague, Miller, Moyle, Nielsen, Nonini, Pence, Raybould, Ring, Roberts, Rydallch, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 54.

NAYS -- Boe, LeFavour, Martinez, Mitchell, Pasley-Stuart, Ringo, Rusche, Smith(30). Total -- 8.

Absent and excused -- Barrett, Crow, Ellsworth, Henbest, Jaquet, McGeachin, Sali, Wood. Total -- 8.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 800** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Speaker and Mr. Raybould to open debate.

The question being, "Shall **H 800** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bedke, Bell, Bilbao, Block, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Eskridge, Field(18), Field(23), Harwood, Henderson, Jaquet, Lake, Loertscher, Mathews, McKague, Moyle, Nielsen, Nonini, Pence, Raybould, Ring, Roberts, Rydallch, Sayler, Schaefer, Shepherd(8), Shirley, Smith(24), Stevenson, Trail, Wills, Mr. Speaker. Total -- 43.

NAYS -- Barrett, Bayer, Black, Boe, Brackett, Edmunson, Garrett, Hart, Henbest, Kemp, LeFavour, Martinez, Miller, Mitchell, Pasley-Stuart, Ringo, Rusche, Shepherd(2), Skippen, Smith(30), Smylie, Snodgrass. Total -- 22.

Absent and excused -- Crow, Ellsworth, McGeachin, Sali, Wood. Total -- 5.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 800** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **H 736**, as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 736**, as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Bedke.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer,

Bedke, Bell, Bilbao, Black, Block, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henderson, Kemp, Lake, Loertscher, Mathews, McKague, Miller, Moyle, Nielsen, Nonini, Pence, Raybould, Ring, Roberts, Rydallch, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 54.

NAYS -- Boe, LeFavour, Martinez, Mitchell, Pasley-Stuart, Ringo, Rusche, Smith(30). Total -- 8.

Absent and excused -- Barrett, Crow, Ellsworth, Henbest, Jaquet, McGeachin, Sali, Wood. Total -- 8.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 736**, as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Stevenson to open debate.

The question being, "Shall **H 736**, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, Loertscher, Martinez, Mathews, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydallch, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Mr. Speaker. Total -- 61.

NAYS -- Barrett, LeFavour. Total -- 2.

Absent and excused -- Bradford, Crow, Ellsworth, McGeachin, Sali, Wills, Wood. Total -- 7.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 736**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

### Introduction, First Reading, and Reference of Bills and Joint Resolutions

#### HOUSE BILL NO. 829 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR INDEPENDENT COUNCILS FOR FISCAL YEAR 2007; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE INDEPENDENT COUNCILS; AND DIRECTING THE

ALLOCATION OF SALARY SAVINGS.

**HOUSE BILL NO. 830**  
**BY APPROPRIATIONS COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR SERVICES FOR THE DEVELOPMENTALLY DISABLED IN THE COMMUNITY DEVELOPMENTAL DISABILITY SERVICES PROGRAM FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE COMMUNITY DEVELOPMENTAL DISABILITY SERVICES PROGRAM; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR SERVICES FOR THE DEVELOPMENTALLY DISABLED IN THE IDAHO STATE SCHOOL AND HOSPITAL PROGRAM; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE IDAHO STATE SCHOOL AND HOSPITAL PROGRAM; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

**HOUSE BILL NO. 831**  
**BY APPROPRIATIONS COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS TO THE ENVIRONMENTAL REMEDIATION FUND; EXPRESSING LEGISLATIVE INTENT REGARDING THE ENVIRONMENTAL REMEDIATION FUND AND REQUIRING AN ANNUAL REPORT; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO USE OF THE WATER POLLUTION CONTROL FUND; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND EXPRESSING LEGISLATIVE INTENT REGARDING ONE-TIME FUNDING FOR THE TECHNICAL LEADERSHIP GROUP.

**HOUSE BILL NO. 832**  
**BY WAYS AND MEANS COMMITTEE**  
 AN ACT

RELATING TO THE BOARD OF HEALTH AND WELFARE; AMENDING SECTION 56-1003, IDAHO CODE, TO PROVIDE FOR OVERSIGHT OF THE DEPARTMENT OF HEALTH AND WELFARE BY THE BOARD OF HEALTH AND WELFARE AND TO PROVIDE AN EXCEPTION TO THE POWERS AND DUTIES OF THE DEPARTMENT'S DIRECTOR; AND AMENDING SECTION 56-1005, IDAHO CODE, TO INCREASE THE MEMBERSHIP OF THE BOARD, TO PROVIDE FOR CERTAIN QUALIFICATIONS FOR BOARD MEMBERS APPOINTED BY THE GOVERNOR, TO PROVIDE FOR CERTAIN ADDITIONAL VOTING AND NONVOTING MEMBERS TO THE BOARD, TO REMOVE THE REQUIREMENT THAT A BOARD

SECRETARY BE ELECTED, TO PROVIDE FOR MEETINGS AND SPECIAL MEETINGS, TO REVISE BOARD DUTIES, TO REVISE VOTING REQUIREMENTS, TO PROVIDE ADDITIONAL BOARD POWERS AND DUTIES AND TO REQUIRE CERTAIN ISSUES TO BE ADDRESSED IN AN ANNUAL REPORT BY THE BOARD TO THE GOVERNOR AND LEGISLATURE.

**HOUSE BILL NO. 833**  
**BY WAYS AND MEANS COMMITTEE**  
 AN ACT

RELATING TO SUBSTANCE ABUSE; AMENDING SECTION 39-302, IDAHO CODE, TO DEFINE TERMS, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 39-303, IDAHO CODE, RELATING TO THE DESIGNATION OF A STATE SUBSTANCE ABUSE AUTHORITY; AMENDING CHAPTER 3, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-303, IDAHO CODE, TO CREATE THE INTERAGENCY COMMITTEE ON SUBSTANCE ABUSE PREVENTION AND TREATMENT, TO STATE THE PURPOSE OF THE INTERAGENCY COMMITTEE, TO PROVIDE FOR INTERAGENCY COMMITTEE MEMBERSHIP, TO PROVIDE FOR TRAVEL AND EXPENSE REIMBURSEMENT, TO PROVIDE FOR INTERAGENCY COMMITTEE DUTIES, TO PROVIDE FOR INFORMATION REPORTING AND DISTRIBUTION REQUIREMENTS AND PROCEDURES, TO PROVIDE FOR MEETING REQUIREMENTS AND PROCEDURES AND TO PROVIDE FOR SHARING OF INTERAGENCY COMMITTEE ADMINISTRATIVE COSTS; AMENDING SECTION 39-303A, IDAHO CODE, TO ESTABLISH REGIONAL ADVISORY COMMITTEES THAT ADDRESS SUBSTANCE ABUSE, TO PROVIDE FOR APPOINTMENT TO THE REGIONAL ADVISORY COMMITTEES, TO REMOVE A PROVISION REGARDING INFORMATION TO BE PROVIDED TO A COMMISSION ON ALCOHOL AND DRUG ABUSE, TO PROVIDE FOR MEETINGS OF THE REGIONAL ADVISORY COMMITTEE CHAIRS, TO PROVIDE FOR THE SELECTION OF A REPRESENTATIVE TO THE INTERAGENCY COMMITTEE, TO PROVIDE FOR REPORTING REQUIREMENTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-304, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WELFARE IS DESIGNATED AS THE STATE SUBSTANCE ABUSE AUTHORITY AND TO PROVIDE FOR INTERAGENCY COMMITTEE ADVICE TO THE DEPARTMENT ON THE CONTENT OF THE COMPREHENSIVE PROGRAM FOR TREATMENT OF ALCOHOLICS, INTOXICATED PERSONS AND DRUG ADDICTS; PROVIDING A SUNSET PROVISION; AND PROVIDING FOR AN EVALUATION TO BE PERFORMED.

**HOUSE BILL NO. 834**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO THE IDAHO GUARD AND RESERVE FAMILY SUPPORT FUND; AMENDING SECTION 57-820, IDAHO CODE, TO PROVIDE FOR INVESTMENT OF IDLE

MONEYS IN THE FUND AND FOR RETURN OF INTEREST EARNED ON SUCH INVESTMENTS TO THE FUND.

**HOUSE BILL NO. 835**  
**BY STATE AFFAIRS COMMITTEE**  
**AN ACT**

RELATING TO MARTIAL LAW AND ACTIVE DUTY; AMENDING SECTION 46-609, IDAHO CODE, TO AUTHORIZE THE ADJUTANT GENERAL TO ORDER COMMISSIONED OFFICERS AND ENLISTED PERSONNEL TO SPECIAL DUTY, WITH THEIR CONSENT.

**H 829, H 830, H 831, H 832, H 833, H 834, and H 835** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1427**, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Education Committee.

**S 1443, S 1444, S 1445, S 1446, and S 1447**, by Finance Committee, were introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

**H 817, H 818, and H 819**, by Appropriations Committee, were read the second time by title and filed for third reading.

**SCR 129**, by State Affairs Committee, was read the second time by title and filed for third reading.

**HCR 45, H 497**, as amended in the Senate, and **H 778**, as amended, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

**S 1327, S 1414, and S 1428**, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

**H 795**, by Ways and Means Committee, was read the second time by title and filed for third reading.

**H 825, H 671**, as amended in the Senate, **HCR 50**, as amended, **H 753**, as amended, and **H 570**, as amended, by State Affairs Committee, were read the second time by title and filed for third reading.

**S 1442**, by Finance Committee, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Twelfth Order of Business.

**Consideration of General Orders**

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Ms. Jaquet. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Moyle in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

**Report of the Committee of the Whole House**

March 17, 2006

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **H 737, H 814, and H 777**, as amended, and report them back without recommendation, amended as follows:

**HOUSE AMENDMENT TO H 737**

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 33, delete "or replacement water".

CORRECTION TO TITLE

On page 1, in line 9, delete "OR REPLACEMENT"; and in line 10, delete "WATER".

**HOUSE AMENDMENT TO H 814**

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 8, delete "(a)"; and delete lines 13 through 32 and insert: "~~Commencing on July 1, 1999, the annual salaries of the justices of the supreme court and the annual salaries of judges of the district courts shall be increased by four percent (4%), and again commencing on July 1, 2000, the annual salary of the justices of the supreme court and the annual salaries of judges of the district courts shall be increased by three and one-half percent (3 1/2%), and again commencing on July 1, 2001, the annual salary of the justices of the supreme court and the annual salaries of judges of the district courts shall be increased by four and one-half percent (4 1/2%), and again commencing on July 1, 2004, the annual salary of the justices of the supreme court and the annual salaries of the judges of the district courts shall be increased by two percent (2%).~~".

**HOUSE AMENDMENT TO H 777, as amended**

AMENDMENT TO SECTION 1

On page 2 of the engrossed bill, delete lines 18 through 20 and insert: "be consumed. If a city adopts an ordinance pursuant to this subsection allowing consumption of beer or wine on the premises, no films, still pictures, electronic reproductions or other visual reproductions which are in violation of chapter 41, title 18, Idaho Code (indecent and obscenity), or are in violation of federal law regarding pornography, indecent or obscenity shall be shown or displayed on the premises. As used".

in this".

#### CORRECTION TO TITLE

On page 1, delete lines 11 and 12 and insert: "THAT STATE AND FEDERAL LAWS REGARDING INDECENCY, OBSCENITY AND PORNOGRAPHY SHALL APPLY TO THE PREMISES WHEN A CITY ADOPTS AN ORDINANCE ALLOWING CONSUMPTION OF BEER OR WINE ON".

We have also had under consideration **H 677**, **H 789**, and **H 761**, report progress and beg leave to sit again.

MOYLE, Chairman

Mr. Moyle moved that the report be adopted. Seconded by Mr. Denney.

Whereupon the Speaker declared the report adopted.

**H 737**, as amended, **H 814**, as amended, and **H 777**, as amended, as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

**H 677**, **H 789**, and **H 761** were retained on General Orders.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

#### Third Reading of Bills and Joint Resolutions

**H 808** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bayer to open debate.

The question being, "Shall **H 808** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Brackett, Cannon, Chadderdon, Collins, Denney, Edmunson, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Stevenson, Trail, Mr. Speaker. Total -- 58.

NAYS -- None.

Absent and excused -- Barraclough, Black, Bradford, Clark, Crow, Deal, Ellsworth, McGeachin, Sali, Snodgrass, Wills, Wood. Total -- 12.

Total -- 70.

Whereupon the Speaker declared **H 808** passed the House. Title was approved and the bill was ordered transmitted to the

Senate.

**H 809** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Henderson to open debate.

The question being, "Shall **H 809** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Brackett, Bradford, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Eskridge, Garrett, Harwood, Henbest, Henderson, Jaquet, Kemp, LeFavour, McKague, Miller, Nonini, Pence, Ring, Ringo, Roberts, Rydalch, Schaefer, Shepherd(2), Shepherd(8), Skippen, Smith(24), Snodgrass, Trail, Mr. Speaker. Total -- 43.

NAYS -- Barrett, Boe, Cannon, Field(18), Field(23), Hart, Lake, Loertscher, Martinez, Mathews, Mitchell, Moyle, Nielsen, Pasley-Stuart, Raybould, Rusche, Saylor, Shirley, Smith(30), Smylie, Stevenson. Total -- 21.

Absent and excused -- Crow, Ellsworth, McGeachin, Sali, Wills, Wood. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **H 809** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 810** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bayer to open debate.

The question being, "Shall **H 810** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Crow, Ellsworth, Henderson, McGeachin, Sali, Wills, Wood. Total -- 7.

Total -- 70.

Whereupon the Speaker declared **H 810** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mrs. Block asked unanimous consent that **S 1390**, as

amended, be returned to the Health and Welfare Committee. There being no objection, it was so ordered.

**H 811** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harwood to open debate.

The question being, "Shall **H 811** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused -- Crow, Ellsworth, McGeachin, Sali, Wills, Wood. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **H 811** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 812** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ringo to open debate.

The question being, "Shall **H 812** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Martinez, Mathews, Miller, Mitchell, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 60.

NAYS -- Barrett, Loertscher, McKague, Moyle, Nielsen, Smith(24). Total -- 6.

Absent and excused -- Crow, Ellsworth, McGeachin, Wood. Total -- 4.

Paired Vote:

AYE -- Sali. NAY -- Loertscher.  
(Pair enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker declared **H 812** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 813** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ringo to open debate.

The question being, "Shall **H 813** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Martinez, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 61.

NAYS -- Barrett, Hart, Loertscher, Mathews, McKague. Total -- 5.

Absent and excused -- Crow, Ellsworth, McGeachin, Wood. Total -- 4.

Paired Vote:

AYE -- Sali. NAY -- Loertscher.  
(Pair enumerated in roll call above.)  
Total -- 70.

Whereupon the Speaker declared **H 813** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**S 1430** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Bell to open debate.

The question being, "Shall **S 1430** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 64.

NAYS -- Barrett, Sali. Total -- 2.

Absent and excused -- Crow, Ellsworth, McGeachin, Wood. Total -- 4.

Paired Vote:

AYE -- Loertscher. NAY -- Sali.  
(Pair enumerated in roll call above.)  
Total -- 70.

Whereupon the Speaker declared **S 1430** passed the House.  
Title was approved and the bill was ordered returned to the Senate.

**S 1431** was read the third time at length, section by section,  
and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Henbest to open debate.

The question being, "Shall **S 1431** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, LeFavour, Martinez, Mathews, McKague, Miller, Mitchell, Moyle, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalc, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 62.

NAYS -- Barrett, Lake, Loertscher, Nielsen. Total -- 4.

Absent and excused -- Crow, Ellsworth, McGeachin, Wood.  
Total -- 4.

Paired Vote:

AYE -- Sali. NAY -- Loertscher.  
(Pair enumerated in roll call above.)  
Total -- 70.

Whereupon the Speaker declared **S 1431** passed the House.  
Title was approved and the bill was ordered returned to the Senate.

**S 1432** was read the third time at length, section by section,  
and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Skippen to open debate.

The question being, "Shall **S 1432** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Martinez, Mathews, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalc, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 65.

NAYS -- Loertscher. Total -- 1.

Absent and excused -- Crow, Ellsworth, McGeachin, Wood.  
Total -- 4.

Paired Vote:

AYE -- Sali. NAY -- Loertscher.  
(Pair enumerated in roll call above.)  
Total -- 70.

Whereupon the Speaker declared **S 1432** passed the House.  
Title was approved and the bill was ordered returned to the Senate.

**S 1434** was read the third time at length, section by section,  
and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **S 1434** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Eskridge, Field(18), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Martinez, Mathews, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalc, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 63.

NAYS -- Field(23), Loertscher. Total -- 2.

Absent and excused -- Crow, Ellsworth, McGeachin, Sali, Wood. Total -- 5.  
Total -- 70.

Whereupon the Speaker declared **S 1434** passed the House.  
Title was approved and the bill was ordered returned to the Senate.

**S 1435** was read the third time at length, section by section,  
and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bayer to open debate.

The question being, "Shall **S 1435** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalc, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Crow, Ellsworth, McGeachin, Sali, Wood. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **S 1435** passed the House. Title was approved and the bill was ordered returned to the Senate.

**S 1436** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall **S 1436** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Crow, Ellsworth, McGeachin, Sali, Wood. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **S 1436** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, March 20, 2006. There being no objection, it was so ordered.

There being no objection, the House returned to the Fourth Order of Business.

#### **Consideration of Messages from the Governor and the Senate**

March 17, 2006

Mr. Speaker:

I transmit herewith enrolled **S 1259, S 1260, S 1316, S 1317, S 1348, S 1360, and S 1383** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1259, S 1260, S 1316, S 1317, S 1348, S 1360, and S 1383** and, when so signed, ordered them returned to the Senate.

March 17, 2006

Mr. Speaker:

I return herewith enrolled **H 593, H 614, H 584, H 587,**

**H 711, H 718, H 565**, as amended, **H 611**, as amended, **H 664, H 632, H 633, H 631, H 432, H 619, H 491, H 538, H 539, H 645, H 605, H 606**, and **H 607** which have been signed by the President.

WOOD, Secretary

Enrolled **H 593, H 614, H 584, H 587, H 711, H 718, H 565**, as amended, **H 611**, as amended, **H 664, H 632, H 633, H 631, H 432, H 619, H 491, H 538, H 539, H 645, H 605, H 606**, and **H 607** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

There being no objection, the House advanced to the Sixteenth Order of Business.

#### **Adjournment**

Mr. Denney moved that the House adjourn until 10 a.m., Monday, March 20, 2006. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:18 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk